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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

10/822,873

Filing Date

April 13, 2004

First Named Inventor

HENDERSON, DANIEL R.

Group Art Unit

Examiner Name

Attorney Docket Number

CELL-004CON2

### ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Documents
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☒ Assignment Papers - *copies*
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☒ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s)

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
  - 1. Recordation Cover sheet-Cell Genesys - *COPY*
  - 2. Recordation Cover sheet-Calydon - *COPY*
  - 3. Postcard --

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Signing Attorney/Agent (Reg. No.)

PAMELA J. SHERWOOD, 36.677  
BOZICEVIC, FIELD & FRANCIS LLP

Signature

*Pamela Sherwood*

Date

July 16, 2004

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO BOX 1450, Alexandria, Virginia 22313-1450 on this date: July 16, 2004.

Typed or printed name

Susan M. Alessi

Signature

*Susan Alessi*

Date

July 19, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

**Typed or Printed Name** Susan M. Alessi

**Signature**

*Susan Alessi*

**Date**

July 19, 2004

## **REVOCATION OF POWER OF ATTORNEY/POWER OF ATTORNEY OR AUTHORIZATION OF AGENT**

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attorney Docket

CELL-004CON2

First Named Inventor

HENDERSON, DANIEL R.

Application Number

10/822,873

Filing Date

April 13, 2004

Group Art Unit

Examiner Name

Title: "TISSUE SPECIFIC ADENOVIRAL VECTORS"

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application and hereby appoint Practitioners at:



24353

whose address is: Bozicevic, Field & Francis LLP, 200 Middlefield Road, Suite 200, Menlo Park, CA 94025 as its attorney(s) or agent(s) to prosecute the application identified above, to prepare and file amendments, to inspect and make copies thereof and of any papers in any appellate or *inter partes* proceedings in which the Application may be or become involved, and generally to conduct all business in the United States Patent and Trademark Office relating to the prosecution of the application or any application that claims priority from this application.



Please change the correspondence address for the above-identified application to the above-mentioned customer number.

## **STATEMENT UNDER 37 CFR § 3.73(b)**

In accordance with 37 CFR §3.73(b) I hereby certify that I am empowered to act on behalf of the Assignee of the above-identified patent application. The Assignments are being filed herewith for Recordation.

I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code §1001 and that such willful false statements may jeopardize the validity of the above referenced application or any patent resulting from that application.

I am the:

- ☐ Applicant; or  
☐ Assignee of record of the entire interest  
☒ Attorney of record

## **SIGNATURE of Applicant, Assignee or Attorney of Record**

**Name**

Pamela J. Sherwood

**Signature**

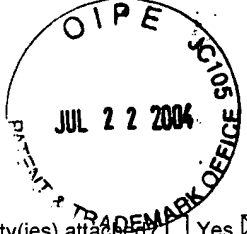
*Pamela Sherwood*

**Date**

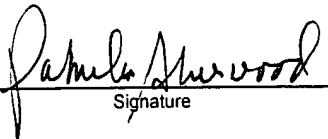
July 16, 2004

7

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                 |                                             |                                         |                                      |  |                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------|-----------------------------------------|--------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Name of conveying party(ies):<br/><b>HENDERSON, DANIEL ROBERT<br/>SCHUUR, ERIC RODOLPH</b></p> <div style="text-align:center"></div> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>3. Nature of conveyance:</p> <table style="width:100%"><tr><td><input checked="" type="checkbox"/> Assignment</td><td><input type="checkbox"/> Merger</td></tr><tr><td><input type="checkbox"/> Security Agreement</td><td><input type="checkbox"/> Change of Name</td></tr><tr><td colspan="2"><input type="checkbox"/> Other _____</td></tr></table> <p>Execution Date: <b>07/01/1996, 07/01/1996.</b></p> | <input checked="" type="checkbox"/> Assignment                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Merger | <input type="checkbox"/> Security Agreement | <input type="checkbox"/> Change of Name | <input type="checkbox"/> Other _____ |  | <p>2. Name and address of receiving party(ies)</p> <p>Name: <b>Calydon</b></p> <p>Internal Address: _____</p> <p>Street Address: <b>995 Matadero Avenue</b></p> <p>City: <b>Palo Alto</b></p> <p>State: <b>California</b></p> <p>Zip: <b>94306</b></p> <p>Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> |
| <input checked="" type="checkbox"/> Assignment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Merger                                                                                                                                                                                                                                                                                                                                                                                       |                                 |                                             |                                         |                                      |  |                                                                                                                                                                                                                                                                                                                                                                                  |
| <input type="checkbox"/> Security Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> Change of Name                                                                                                                                                                                                                                                                                                                                                                               |                                 |                                             |                                         |                                      |  |                                                                                                                                                                                                                                                                                                                                                                                  |
| <input type="checkbox"/> Other _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                 |                                             |                                         |                                      |  |                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>4. Application number(s) or patent number(s):<br/>If this document is being filed together with a new application, the execution date of the application is: _____.<br/>A. Patent Application No.(s)<br/><b>10/822,873</b><br/>B. Patent Registration No.(s)</p> <p style="text-align:right">Additional number(s) attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                 |                                             |                                         |                                      |  |                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: <b>Bozicevic, Field &amp; Francis LLP</b></p> <p>Internal Address: <b>200 Middlefield Road, Suite 200</b></p> <p>City: <b>Menlo Park</b> State: <b>California</b> Zip: <b>94025</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>6. Total number of applications and patents involved <b>1</b></p> <p>7. Total fee (37 CFR 3.41)..... <b>\$40.00</b></p> <p><input type="checkbox"/> Enclosed</p> <p><input checked="" type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Deposit account number:</p> <p style="text-align:center"><b>50-0815</b></p> <p>(Attach duplicate copy of this page if paying by deposit account)</p> |                                 |                                             |                                         |                                      |  |                                                                                                                                                                                                                                                                                                                                                                                  |

**DO NOT USE THIS SPACE**

|                                                                                                                                                                                                    |                                                                                     |                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------|
| <p>9. Statement and signature.<br/><i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i></p> |                                                                                     |                          |
| <p><b>Pamela J. Sherwood, Reg# 36,677</b></p>                                                                                                                                                      |  | <p><b>07-16-2004</b></p> |
| Name of Person Signing                                                                                                                                                                             | Signature                                                                           | Date                     |
| <p>Total number of pages including cover sheet, attachments, and document: <b>2</b></p>                                                                                                            |                                                                                     |                          |

# COPY

A-62215-1/BIR  
CALY-002-1

## ASSIGNMENT

WHEREAS we, Daniel Robert Henderson of 995 Matadero Avenue, Palo Alto, CA 94306 and Eric Rodolph Schuur of 20350 Stevens Creek Blvd., #305, Cupertino, CA 95014 have invented certain new and useful improvements in TISSUE SPECIFIC VIRAL VECTORS for which invention we have executed an application for Letters Patent of the United States and which application may be identified in the United States Patent and Trademark Office as Serial No. 08/669,753, filed 26 June 1996; and

Whereas, CALYDON, a corporation of the state of California and having its principal place of business at 995 Matadero Avenue, Palo Alto, CA 94306 (hereinafter referred to as assignee) is desirous of acquiring the entire right, title, and interest in and to said invention, said application and the Letters Patent to be obtained therefore;

Now, therefore, for and in consideration of One Dollar and other good and valuable considerations, to us in hand paid, the receipt and sufficiency whereof are hereby acknowledged, I have sold, assigned, and set over and by these presents do hereby sell, assign, and set over unto the said CALYDON and said assignee's legal representatives, successors and assigns, the entire right, title, and interest in and to said invention, said application, and the Letters Patent, both foreign and domestic, that may or shall issue thereon; and I do hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned assignee agreeably with the terms of this assignment.

I hereby authorize the above-mentioned assignee or its legal representative to insert in this instrument the filing date and serial number of our said application or any other information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Upon said consideration, I convey to said assignee the right to make application in its own behalf for protection of said invention in countries foreign to the United States and where expedient to claim under the International Convention or other international arrangement for any such application the date of the said United States application (or other application if any there be) in priority to other applications; and I do hereby covenant and agree with the said assignee that I will not execute any writing or do any act whatsoever conflicting with these presents, and that I will at any time upon request, without further or additional consideration, but at the expense of the said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional renewal, reissued or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chose in action accruing as a result of such application or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of both parties.

Date: July 1, 1996

By: *Daniel R. Henderson*  
Daniel Robert Henderson

Date: 7/1/96

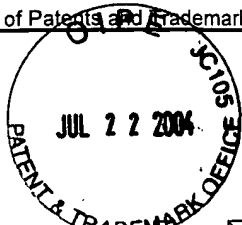
By: *Eric R. Schuur*  
Eric Rodolph Schuur

RECORDATION FORM COVER SHEET  
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Atty Docket No.: CELL-004CON2

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
CALYDON, INC.



Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: 11-05-2001

2. Name and address of receiving party(ies)

Name: Cell Genesys, INC.

Internal Address: \_\_\_\_\_

Street Address: 500 Forbes Blvd

City: South San Francisco

State: California

Zip: 94080

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

10/822,873

B. Patent Registration No.(s)

Additional number(s) attached ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Bozicevic, Field & Francis LLP

Internal Address: 200 Middlefield Road, Suite 200

City: Menlo Park State: California Zip: 94025

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41)..... \$40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number:

50-0815

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Pamela J. Sherwood, Reg# 36,677

07-16-04

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 5

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

## ASSIGNMENT

COPY

WHEREAS, CALYDON, INC, a corporation organized and existing under the laws of the State of Delaware, United States of America, having its principal place of business at 1324 Chesapeake Terrace, Sunnyvale, California 94089, United States of America, hereinafter referred to as **ASSIGNOR**, is the sole proprietor for the patents and patent applications as described and set forth in Schedule A (Pending United States Patent Applications) and Schedule B (Issued United States Letters of Patent).

WHEREAS, CELL GENESYS. INC. a body corporate organized and existing under the laws of the State of Delaware, having its principal place of business at 342 Lakeside Drive, Foster City, California 94404, United States of America, hereinafter referred to as **ASSIGNEE**, is desirous of acquiring the entire right, title and interest in the said inventions and applications and in any Letters Patent which may be granted on the same as listed in Schedule A and Schedule B.

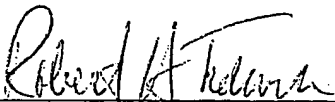
NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for and in consideration of the sum of One Dollar (\$1.00) lawful money paid to **ASSIGNOR** by **ASSIGNEE**, receipt of which is hereby acknowledged, and for other good and valuable consideration, **ASSIGNOR** has sold, assigned and transferred, and by these presents do sell, assign and transfer unto said **ASSIGNEE**, and **ASSIGNEE'S** successors and assigns, all right, title and interest in and to the said invention, said application for United States Letters Patent, and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions (including conversions claiming priority under 35 U.S.C. §119(e)), reissues, prolongations or extensions thereof, the said interest to be held and enjoyed by said **ASSIGNEE** as fully and exclusively as it would have been held and enjoyed by said **ASSIGNOR** had this assignment and transfer not been made, to the full end and term of any Letters Patent.

**ASSIGNOR** further agrees that they will, without charge to said **ASSIGNEE**, but at **ASSIGNEE'S** expense, cooperate with **ASSIGNEE** in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and

transfer thereof, and will perform such other acts as *ASSIGNEE* lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said *ASSIGNEE*, or *ASSIGNEE'S* successors and assigns.

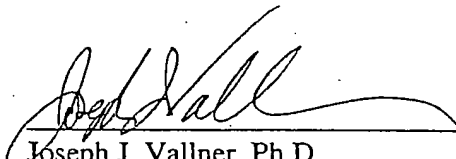
IN TESTIMONY WHEREOF, *ASSIGNOR's* representative has hereunto signed his name to this assignment on the dates indicated below.

DATE 11-5-01

  
Robert H. Tidwell  
Secretary  
CALYDON, INC.

ACCEPTED BY CELL GENESYS, INC.

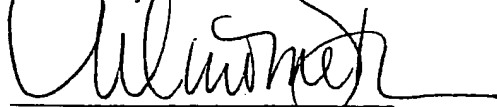
DATE 11/5/01

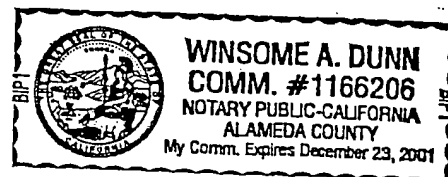
  
Joseph J. Vallner, Ph.D.  
President  
CELL GENESYS, INC.

State of California       )  
                                      ) ss.  
County of San Mateo     )

On November 5, 2001, before me, Winsome A. Dunn, Notary Public for the State of California, personally appeared Robert H. Tidwell and Joseph J. Vallner, Ph.D., personally known to me to be the person whose names are subscribed to the within instrument and acknowledge to that they executed the same in their authorized capacities as Secretary of Calydon, Inc and President of Cell Genesys, Inc., respectively, and that by their signatures on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument

WITNESS my hand and official seal

  
Winsome A. Dunn - Notary Public



**SCHEDULE A**  
**Pending Applications**

|          | CELL GENESYS Ref. No. | Serial No.   | Filing Date |
|----------|-----------------------|--------------|-------------|
|          | CELL111.4US           | 09/448,321   | 23-Nov-99   |
|          | CELL111.5US           | 09/861,682   | 21-May-01   |
|          | CELL112.2US           | 09/151,376   | 10-Sep-98   |
| PARENT → | CELL112.3US →         | 09/732,169 → | 06-Dec-00   |
|          | CELL113.2US           | 09/022,732   | 12-Feb-98   |
|          | CELL114.2US           | 09/509,591   | 02-Jun-00   |
|          | CELL114.4US           | 09/898,883   | 02-Jul-01   |
|          | CELL115.1US           | 09/033,555   | 02-Mar-98   |
|          | CELL115.2US           | Unassigned   | 23-Oct-01   |
|          | CELL117.2US           | 09/614,495   | 11-Jul-00   |
|          | CELL119.2US           | 09/127,834   | 03-Aug-98   |
|          | CELL119.3US           | 09/875,228   | 05-Jun-01   |
|          | CELL120.0US           | 09/033,556   | 02-Mar-98   |
|          | CELL121.1US           | 09/413,044   | 06-Oct-99   |
|          | CELL122.1US           | 09/392,822   | 09-Sep-99   |
|          | CELL123.1US           | 09/474,699   | 29-Dec-99   |
|          | CELL124.1US           | 09/814,292   | 21-Mar-01   |
|          | CELL125.1US           | 09/814,357   | 21-Mar-01   |
|          | CELL126.1US           | 09/814,351   | 21-Mar-01   |
|          | CELL127.1US           | 09/894,510   | 27-Jun-01   |



**Schedule B  
Issued Patents**

| <u>DOCKET NO.</u> | <u>SERIAL NO.</u> | <u>FILING DATE</u> | <u>PATENT NO.</u> | <u>ISSUE DATE</u> |
|-------------------|-------------------|--------------------|-------------------|-------------------|
| CELL111.0US       | 08/182,247        | 13-Jan-1994        | 5,830,686         | 3-Nov-1998        |
| CELL111.1US       | 08/380,916        | 30-Jan-1995        | 5,648,478         | 15-Jul-1997       |
| CELL111.2US       | 08/721,690        | 27-Sep-1996        | 6,057,299         | 2-May-2000        |
| CELL111.3US       | 08/891,581        | 11-Jul-1997        | 6,136,797         | 24-Oct-2000       |
| CELL112.0US       | 08/495,034        | 27-Jun-1995        | 5,698,443         | 16-Dec-1997       |
| CELL112.1US       | 08/669753         | 26-Jun-1996        | 5,871,726         | 16-Feb-1999       |
| CELL113.0US       | 08/692,759        | 6-Aug-1996         | 5,783,435         | 21-Jul-1998       |
| CELL113.1US       | 08/906,192        | 4-Aug-1997         | 6,051,417         | 18-Apr-2000       |
| CELL114.1US       | 09/033,428        | 2-Mar-1998         | 6,254,862         | 3-Jul-2001        |
| CELL117.1US       | 09/033,333        | 2-Mar-1998         | 6,197,293         | 6-Mar-2001        |